

MINUTES

SAN DIEGO COUNTY PLANNING COMMISSION

Regular Meeting – June 25, 2004

DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:00 a.m. and adjourned at 4:09 p.m.

ROLL CALL

Commissioners Present: Beck, Brooks, Day, Edwards, Kreitzer

Commissioners Absent: Miller, Woods

Advisors Present: Taylor (County Counsel)

Staff Present: Hulse, Stocks, Bunnemeyer, Murphy, Sibbet, Laybourne, Rowan, Stevenson, Wunderly, Krycz, Blackson, Spar, Molby, Esperance (Owens, Recording Secretary)

1. Director's Report:

David Hulse:

On June 23, 2004, the Board of Supervisors approved the Greenhills Ranch Specific Plan and also heard an appeal of the two cell sites in the Valle de Oro Community and directed the applicant to prepare an EIR.

There was also a recommendation from the Board of Supervisors at the June 23, 2004 hearing to consider the role of PERB, and whether it should be disestablished and their responsibilities moved to the Planning Commission. Staff will prepare a recommendation for the Planning Commission to consider in the near future.

Dixie Switzer:

An update of the Board of Supervisors hearing on June 16, 2004 was presented to the Planning Commission.

2. Public Requests:

Opportunity for members of the public to speak to the Commission on any subject matter with the Commission's jurisdiction but not an item on today's agenda.

Carol Baldwin, 2533 Sweetgrass Court, Bonsall, California 92003

Ms. Baldwin lives in a development that has 15 parcels ranging in size from 1 acre to 4 acres. Four of her neighbors have graded, put in tennis courts, trampolines and motorcycle racing, all in violation of the open space easement protection. She has tried to contact many different people in the County but has been ignored by almost everyone.

George Courser, 3142 Courser Avenue, 3142 Courser Avenue, California 92117

Mr. Courser concurs with Ms. Baldwin that what they are seeing is an abandonment of open space protections. He urged the Commission to require the Department of Planning and Land Use (DPLU) to accept responsibility for open space easements and to enforce these protections that their contracts with the wildlife agencies require.

Commissioner Beck requested that staff bring this complaint on violations of open space easements back to the Commission as an agenda item.

Gerry Marshall, 30025 Highway 79, Warner Springs, California

Mr. Marshall reported that all of the Narconon facilities violations are being corrected.

3. Approval of Minutes:

Minutes were trailed.

4. Steele Canyon/Loma Del Sol Specific Plan Amendment, SPA 96-007, Major Use Permit Modification, P85-101W², Valle de Oro and Jamul/Dulzura Plan Areas

The project proposes to amend the Steele Canyon/Loma Del Sol Specific Plan and to modify the Major Use Permit for the Steele Canyon Golf Course to allow the use of groundwater for irrigation purposes. The proposal would allow intermittent groundwater extraction to supply all or portions of the water needed to irrigate the golf course and the common landscaped areas within the residential portion of the development. Groundwater is proposed to be drawn from 8 wells and would be used to irrigate 150 acres of golf course and 12 acres of common landscaped areas, which includes roadside landscaping, four pocket parks and a clubhouse area. This Specific Plan is located northerly of Jamul Drive between Cotton Springs Lane and Fowler Canyon Road and is on the boundary between the Valle de Oro and Jamul/Dulzura Planning Areas.

Staff Presentation: Stocks

Proponents: 14; **Opponents:** 1

Both the Planning Groups and the surrounding property owners testified that to allow Steele Canyon a modification to the major use permit for the golf course to allow the use of groundwater for irrigation could create problems for homeowners who are dependent upon their wells for water.

Discussion:

Commissioner Brooks has concerns regarding the monitoring that the applicant is proposing, and whether or not it would be enforceable by DPLU. Mr. Wunderly replied that the County would have requirements that are outlined in the Groundwater Monitoring Management Plan. Information on groundwater levels is collected, under the oversight of a Certified Hydrologist, and submitted to the Department once a year. If at any time of the year limits specified in the GMMP are exceeded, the applicant is required to notify the County within 5 days and they will then have to submit reports monthly.

Commissioner Beck expressed concerns that the County is experiencing the worst drought in 500 years. Available fresh water to serve the public and not private enterprise is a big issue. He understands why the consultants for the applicants are proposing this project and why they are making an argument that it is the right thing to do, but does not

understand why County staff thinks this is good public policy within a basin that provides drinking water. Property owners, who have lived in this area for many years, have concerns that their wells may dry up. The original agreements for this property were based on the fact that no drilling would be done and they would not use groundwater

Commissioner Edwards said in 1987 this project was conditioned upon the use of no drilling and no groundwater. If the project is going private in 2005 it appears to him that this may be an attempt to shift public water resources to a private enterprise. He does not believe this is the time or place to be using water in the manner in which it is being proposed and would not support staff's recommendation.

Action: Kreitzer – Beck

Recommend that the Board of Supervisors deny SPA 96-007 and P85-101W² because the project was conditioned in 1987 upon the use of no drilling and no groundwater and now the applicant is trying to reverse that decision. The U.S. Fish and Wildlife Service has submitted a letter expressing concerns of what would happen to the riparian areas downstream. The loss of a few feet of water can have a significant effect on many plants, which in turn affects the wildlife. The Sweetwater Authority also submitted letters, although they are dated back in time, stating that the proposed groundwater extraction will create adverse impacts on both the quality and quantity of groundwater in the Sweetwater System. San Diego County is presently experiencing the worst drought in 500 years.

Ayes: 5 - Beck, Brooks, Day, Edwards, Kreitzer
Noes: 0 - None
Abstain: 0 - None
Absent: 2 - Miller Woods

5. Environmental Determination on ZAP 02-046 Sprint PCS, San Dieguito Community Planning Area

On May 5, 2004, the Board of Supervisors granted the appeal filed by the San Dieguito Community Planning Group and Rancho Santa Fe Association and remanded the environmental determination to the lower decision maker for reconsideration. The appeal was filed based on the environmental determination made by the Planning Commission on Minor Use Permit ZAP 02-046. The Planning Commission found the proposed project exempt from the California Environmental Quality Act (CEQA).

Minor Use Permit, ZAP 02-046 is a request to authorize the location and use of an unmanned wireless telecommunications facility within the County right-of-way on El Camino del Norte. The proposed facility will utilize a replaced 44-foot high SDG&E utility pole, and associated equipment cabinets.

Proponents: 20; Opponents: 2

Staff Presentation: Bunnemeyer

Mr. Hulse said the Board of Supervisors remanded this project back to the Planning Commission for determination of what the proper environmental documentation should be. The Board of Supervisors also asked the Planning Commission to consider the cumulative effect of other equipment within the road right-of-way. The staff report has set up guidelines to frame the scope of what the Environmental Impact Report could be. If the Planning Commission determines that an Environmental Impact Report (EIR) is required, the comments received from the Notice of Preparation would also establish the scope of the EIR.

County Counsel said the Board of Supervisors decided that because of cumulative impacts, it was not appropriate to consider the matter to be categorically exempt and instructed the Planning Commission to determine what environmental document is appropriate.

Mr. Hulse said all the suggestions that staff have regarding the scope of a possible EIR is in the staff report.

Don Willis, San Dieguito Planning Group

Mr. Willis, San Dieguito Planning Group, said the cumulative impact on cellular sites, potentially numbering in the hundreds, is crowding the County right-of-ways, involving most of the available utility poles at build out. They destroy the community character of neighborhoods, clogging up the road right-of-way with both visual and physical clutter, placing impediments to automobiles, walkers, bikers and horses. The San Dieguito Planning Group requested a full EIR to evaluate what will occur with the placement of this large cellular phone network in the community.

Public Comments:

San Dieguito does want cellular service in their neighborhood. A cooperative plan for co-location of sites for all carriers will minimize negative impacts in the community and speed up the approval process.

The public is entitled to request the County to prepare an EIR to evaluate the cumulative impacts of the proposed cellular sites.

Concerns about what the cumulative effects of the cell sites will do to the historic significance of Rancho Santa Fe were expressed.

Traffic and the boxes that are being put in along the roadsides for the cell sites, in some cases, will not allow fire trucks to respond to emergencies.

Cell sites will have negative visual cumulative impacts on the community.

Mr. Strobl commented that the Zoning Administrator and staff determined that this project was categorically exempt from environmental review, but despite the overwhelming evidence the Board of Supervisors rejected that determination back for further assessment. Your choices appear to be to defy the laws or defy the Board of Supervisors. Sprint would urge you to follow the law. Sprint is formally withdrawing all of the planned and pending applications for facilities in the right-of-way in the Rancho Santa Fe covenant. Sprint is also asking that Item #6 on today's agenda be continued. These facilities are separate projects and are not subject to CEQA, but with Sprint's reduction now down to one site, even if CEQA is applied, this site is categorically exempt.

Commissioner Beck commented that the applicant has indicated that Sprint is going to withdraw the other 10 applications that are currently in

the pipeline. Mr. Strobl responded that Sprint has not formally submitted a letter requesting that the applications be withdrawn.

Commissioner Beck said this does not change the circumstances with respect to the referral that was sent back to the Commission by the Board of Supervisors.

Mr. Hulse said the motion by the Board of Supervisors was to address the cumulative effects, do the appropriate environmental documentation, which included equipment within the right-of-way, which would include all types of equipment, not just Sprint sites. He said it is his understanding that there still would have to be a cumulative analysis even though there would be only one site.

County Counsel said he would concur with Mr. Hulse and would also like to hear from Mr. Padcucci as to his intentions to reapply for any of the sites that Sprint is going to withdraw. The Board of Supervisors would be interested in finding out about cumulative impacts of all anticipated facilities.

Commissioner Edwards commented that he previously believed these cell sites in San Dieguito were categorically exempt from environmental review and he is not going to vote for an EIR. He also does not see any reason that a Negative Declaration is required for this project either.

Action: Edwards – Brooks

Reaffirm that ZAP 02-046 is Categorically Exempt from environmental review and reaffirm the previous decision of the Planning decision.

Ayes: 2 - Edwards, Brooks

Noes: 2 - Beck, Kreitzer

Abstain: 0 -None

Absent: 3 - Day, Miller Woods

This motion failed due to a lack of affirmative votes.

Action: Brooks - Kreitzer

Continue to the meeting of July 23, 2004 for a full Commission.

Ayes: 3 - Beck, Brooks, Kreitzer

Noes: 0 - None

Abstain: 1 - Edwards

Absent: 3 - Day, Miller, Woods

The motion failed due to a lack of affirmative votes.

Mr. Hulse asked if this project goes back to the Board of Supervisors. County Counsel replied that if this project is not brought back to the Planning Commission there is authority within the Zoning Ordinance to bring it back within 30 days; if that does not happen the application is deemed denied.

Action: Kreitzer – Beck

Continue to the meeting of July 23, 2004 for a full Commission

Ayes: 4 - Beck, Brooks, Edwards, Kreitzer

Noes: 0 - None

Abstain: 0 - None

Absent: 3 - Day, Miller, Woods

6. Appeal of Minor Use Permit ZAP 03-048, Sprint PCS, San Dieguito Community Planning Area

This is an appeal filed by the San Dieguito Community Planning Group of the Zoning Administrator's February 17, 2004 approval of Minor Use Permit ZAP 03-048 for a wireless communication facility located within the Sun Valley Road public right-of-way. The project will consist of two omni antennas and one Global Positioning System (GPS) antenna attached to 10-foot wide double cross-arms mounted on a new 48-foot tall SDG&E wood utility pole that will replace the existing 43-foot tall SDG&E pole. A concrete underground equipment vault will be located across the street. The General Plan Land Use Designation is (2) Residential and the zoning is RS (Residential).

Staff Presentation: Bunnemeyer

Proponents: 15; **Opponents:** 0

Action: Kreitzer – Beck

Continue to the meeting of July 23, 2004 for a full Commission

Ayes: 4 - Beck, Brooks, Edwards, Kreitzer

Noes: 0 - None

Abstain: 0 - None

Absent: 3 - Day, Miller, Woods

7. Ryland Homes (Rancho San Vicente); SPA 03-007, P92-006W¹, VAC 03-019, Ramona Community Planning Area

This is a request to amend the Rancho San Vicente Specific Plan and to modify the associated Major Use Permit so that open space easements are not required within certain residential lots located adjacent to the Simon Open Space Preserve. Proposed open space easement vacations (VAC 03-019) linked to this proposal are under the original jurisdiction of the Board of Supervisors. The affected lots are subject to the (21) Specific Plan Area (0.286) Land Use Designation and the zoning includes the S88 Specific Planning Area Use Regulations. The project site is located both north and south of the intersection of Vista Ramona Road and Arena Way in the community of Ramona.

Staff Presentation: Stocks

Proponents: 13; **Opponents:** 1

Neighbors expressed concern about an unfinished chainlink fence and fire safety issues in the open space easement. Commissioner Beck said that County staff could resolve this issue.

Discussion:

Commissioner Day asked if grading was done in the open space easement. Mr. Stocks replied in the affirmative. Mistakes were made during the grading process that compromised the integrity of the easements. The applicant and the individual property owners have been encouraged to move forward with the vacations because it will allow the property owners to improve the appearance of the rear portion of the lots. It is also better for safety purposes.

Commissioner Day wondered how staff's action today is going to improve fire safety if the property owners have the ability to clear brush within 100 feet of their property. Staff responded that the property owner would be able to plant fire protective type of landscaping which would enhance the defensible space. If the structures were put in, they would be built within the limited building zone easements and would be constructed of non-combustible materials.

Commissioner Day commented that the County should apply the same standard to all property owners. Some property owners will have the right

to put in more structures than other property owners in the same development.

Commissioner Beck said homes are being moved closer to biological open space to meet the fire departments requirements of 100 feet of clearing and asked if that action is going to further require encroachment into the biological open space. Ms. Blackson replied that it would not.

Commissioner Edwards said when this project was approved in 1995 it became clear that the open space easements within the residential lots where not viable for two reasons, edge effect and fire safety, and that is the rationale today to rescind what was done in 1995. Mr. Stocks replied that this was correct.

Action: Edwards – Brooks

Recommend approval of the requested Specific Plan Amendment and associated Major Use Permit Modification including the changes indicated in the DPLU handout to the Board of Supervisors.

Ayes: 5 - Beck, Brooks, Day, Edwards, Kreitzer

Noes: 0 - None

Abstain: 0 – None

Absent: 2 – Miller, Woods

8. AT&T Wireless Polo Plaza: Major Use Permit P03-100, San Dieguito Community Plan Area

This is a request for a Major Use Permit P03-100 for a wireless telecommunications facility. The application is for the Major Use Permit to authorize the location and use of an unmanned wireless telecommunication facility and associated equipment cabinets. The facility will consist of six panel antennas, one GPS antenna, one microwave antenna all flush mounted on the building wall and painted to match the color of the existing two-story office building located at 3790 Via de la Valle in Del Mar. The antennas will be mounted on the façade of the building, 32 feet above ground level. Five equipment cabinets will be located inside the underground parking area of the existing building. The General Plan designates this site as (11), Office-Professional, the Use Regulation is C30 Office-Professional, and the site is located in the San Dieguito Community Plan Area.

Staff Presentation: Murphy

Proponents: 1; **Opponents:** 0

This Item was approved on consent.

Action: Day - Kreitzer

Grant Major Use Permit P03-100 which makes the appropriate findings and includes those requirement and conditions necessary to ensure that the project is implemented in a manner consistent with the zoning Ordinance and State Law.

Ayes:	5 - Beck, Brooks, Day, Edwards, Kreitzer
Noes:	0 - None
Abstain:	0 - None
Absent:	2 - Miller, Woods

9. National Quarries Granite Saws and Polishing Plant; Major Use Permit Modification, P87-061W¹, Bonsall Community Planning Area

The last Major Use Permit for the granite saws and polishing plant was approved for 15 years and has expired. This Modification is now required to continue the operation. The Modification was submitted prior to the last Major Use Permit expired. No change or increase in the sawing or processing plant activity is proposed. The cutting and polishing of granite is considered a secondary use to the nonconforming quarry on the same property, which has been in operation since 1942. The large diamond bit circular saw was replaced in the late 1990s with two diamond wire saws that have improved technology and produce less noise. This use is classified as Mining and Processing pursuant to Section 1810 of the Zoning Ordinance and pursuant to 2825c of the Zoning Ordinance; approval of a Major Use Permit is required to operate the saws and polishing plant within the S82 Extractive Use Regulation. The General Plan designates this site as (18), Multiple Rural Use. The 210.9-acre property is located to the northwest of the intersection of Par Valley Drive and Twin Oaks Valley Road.

Staff Presentation: Sibbet

Proponents: 2; **Opponents:** 16

The Twin Oaks Sponsor Group has concerns about the elements of the major use permit and also that staff and County Counsel have determined that quarrying on the site is a legal non-conforming use and that any kind of quarrying is equivalent to any other kind of quarrying. Therefore the aggregate quarrying on the site is also a legal non-conforming use. The Twin Oaks Sponsor Group does not agree that the equipment necessary to process aggregate, crushers, grinders and sifting equipment are also a necessary part of the permitted use. The new saws have more impact on the neighbors than the old saws. The neighbors have stated that the noise from the new saws make conversation, sleeping and enjoying life and other normal activities difficult. The neighbors have identified the source of the various noises to be the rock crushers, the large rock breaking hammers and the saws. Traffic has increased several hundred percent from trucks traveling to and from the site. The Group requests that the Major Use Permit be denied, and direct staff to require inclusion of aggregate mining and processing equipment and aggregate operations in a revised Major Use Permit. The hours of operation of the saws should be limited to between 7:00 a.m. and 5:00 p.m. Monday through Friday until changes are made which eliminate the sound impacts of the saws on the surrounding residents.

Mr. Petterson said he concurs with staff's recommendations and all of the conditions.

Many neighbors expressed concern about noise, dust and traffic from the trucks to and from the site and how staff has determined that quarrying on the site is a legal non-conforming use. County records indicate that Nation Quarries did not acquire five of the six parcels until after the Zoning Ordinance went into effect requiring a Minor Use Permit.

Mr. Petterson agreed with the complaints about the truckers that they do drive too fast but he has no legal control over their activities, and only the highway patrol can control the speeds of the trucks.

Regarding the concerns expressed by the Commission, Mr. Sibbet said staff was delayed for approximately one-year debating the non-conformity use of the quarry. Mr. Petterson's Legal Counsel, County's Legal Counsel and staff agreed that the applicant has the vested non-conforming right for the quarry.

Commissioner Edwards said the operation was originally a granite stone cutting operation and the community is now saying that there is an aggregate crushing operation, which creates noise, dirt and dust.

County Counsel replied that the application before the Commission today is for the polisher, so if they are crushing or quarrying they have to rely on their non-conforming use rights to do it.

Commissioner Edwards said if the applicant is in compliance with the Noise Ordinance what would be reasons for the Planning Commission to deny the permit. County Counsel replied that they could be in compliance with the County Ordinance and in a given location might be a problem due to the number and types of adjacent uses.

Commissioner Edwards said the number of trucks and the dangerous curves in the road is an issue.

Mr. Sibbet said this permit has been renewed twice and the truck trips have always been limited to two trucks. He said the majority of the truck trips are related to the non conforming quarry project.

Commissioner Beck said there is a series of violations on the property. Going from two trucks per day to 200 trucks per day is difficult to ignore and yet the Commission cannot address this issue.

Doug Molby, Code Enforcement, said the Reclamation Plan is in violation of the reclamation conditions and this is the reason the Planning Commission will be hearing it sometime in the fall.

Mr. Sibbet said there are two separate applications; the reclamation plan is for the quarry, the proposed permit is for the saws and polishing plant. There is no co-relation between the aggregate business and the polishing of the headstones and the cutting of saws. The only connection between the two applications is that they are under one ownership. The current violation of not having a reclamation plan on their site is currently in process.

Commissioner Brooks asked if new conditions could be added to the permit. County Counsel responded that new conditions could be added to the permit as long as they are related to the polishing permit.

Commissioner Beck suggested a continuance and Commissioner Brooks said he would support a continuance.

Commissioner Edwards suggested giving the applicant a 6-month approval and limit the hours of operation. The applicant should use Best Management Practices to attempt to control any dust or dirt or by products used in his sawing and polishing operation. He would like to allow the applicant to continue operating his business, but with consideration given to the neighbors.

Commissioner Edwards also suggested continuing this item until the reclamation plan is ready to be heard by the Planning Commission. Mr. Hulse replied that the reclamation plan might need an EIR, which could delay the time when it will back to the Planning Commission.

Commissioner Day said there is a relationship between the quarry and the polishing plant and the Commission can disagree with staff and use its discretion to come to a different opinion.

Mr. Hulse said the item could be continued and staff could confer with County counsel to try and sort out the interlocking relationships between the reclamation plan and the major use permit that is before the Planning Commission today, but cannot guarantee that staff will come back with a different answer.

Commissioner Beck asked staff to come back with options for the Commission to consider that will allow them to engage with the quarrying operations and the impacts that the people are testifying about. Staff needs to inform the Commission that there is no way to address these issues or there is a mechanism to address the issues and present it to the Commission.

Regulatory Projects:

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Action: Kreitzer – Edwards

Continue Major Use Permit P87-061W¹ to the meeting of August 6, 2004

Ayes: 5 - Beck, Brooks, Day, Edwards, Kreitzer,
Noes: 0 - None
Abstain: 0 - None
Absent: 2 - Miller, Woods

10. St. Peter's Chaldean Catholic Adult Day Health Care; Major Use Permit Modification, P78-038W⁶, Valle de Oro Community Planning Area

The project proposes a modification to the existing Major Use Permit for St. Peter's Chaldean Catholic Church. The modification will allow an Adult Day Health Care use to occur in the church hall, Monday through Friday, 9:00 a.m. to 3:00 p.m. No new construction is proposed. The 4.8 project is completely developed with a church, hall, two rectories and parking. It is located at 1627 Jamacha Way, east of Jamacha Road. The General Plan Land Use Designation is (3) Residential and the Use Regulation is A70 (Limited Agriculture).

Staff Presentation: Laybourne

Proponents: 1; **Opponents:** 0

This Item was approved on consent.

Action: Kreitzer - Brooks

Grant Major Use Permit Modification P78-038W⁶ which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Zoning Ordinance.

Ayes:	5-	Beck, Brooks, Day, Edwards, Kreitzer
Noes:	0	None
Abstain:	0	None
Absent:	2	Miller, Woods

11. Report on actions of Planning Commission's Subcommittees:

There were none.

12. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):

There were none.

13. Discussion of correspondence received by the Planning Commission:

There were none.

14. Scheduled Meetings

July 9, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
July 23, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
August 6, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
August 20, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
September 3, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
September 17, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
October 1, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
October 15, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
October 29, 2004	Planning Commission Workshop, DPLU Hearing Room, 9:00 a.m.
November 5, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
December 3, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
December 17, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.

There being no further business to be considered at this time, the Chairperson adjourned the meeting at 4:09 p.m. to 9:00 a.m. on July 9, 2004 in the DPLU Hearing Room, 5201 Ruffin road, Suite B, San Diego, California.